

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALBERT R. ZUNIGA,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Cause No. C21-1030RSL

ORDER REQUIRING A MORE
DEFINITE STATEMENT

On August 10, 2021, plaintiff's application to proceed *in forma pauperis* was granted and his complaint was accepted for filing. The complaint lists twenty-one defendants including, but not limited to, banking entities (Navy Federal Credit Union), politicians and local governmental entities (Mayor Jenny Durkan and King County), federal agencies (Department of Defense), medical providers (University Health System of San Antonio, Texas, and Dr. Robert C. Schenk from New Mexico), corporations (Google and Lockheed Martin), and individuals (Jesse Sepulveda and Mark Manning). Dkt. # 8 at 1-6. Plaintiff asserts that cruel and unusual punishment, the pursuit of life, liberty, and happiness, and domestic terrorism are at issue. *Id.* at 6.

The factual bases for plaintiff's claims are not clear. He states that the "defendants wittingly and/or unwittingly participated in intentional, pre-meditated murder cover-up, attempted murder." *Id.* at 8. Unidentified defendants are alleged to have inflicted indignities on

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1 plaintiff, engaged in malpractice, fabricated justifications to arrest plaintiff and sell him into
2 incarceration, hacked plaintiff's banking and social media accounts, and terrorized plaintiff,
3 forcing him to move from Texas to Washington. *Id.* at 9.

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5 The Court, having reviewed the record as a whole under the standards articulated in 28
6 U.S.C. § 1915(e)(2) and having construed the allegations of the complaint liberally (*see*
7 *Bernhardt v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir. 2003)), finds that plaintiff's
8 complaint is deficient for the following reasons:

9 Federal Rule of Civil Procedure 8(a)(2) requires "a short and plain statement of the claim
10 showing that the pleader is entitled to relief." A complaint will be dismissed unless it states a
11 cognizable legal theory that is supported by sufficient facts to state a "plausible" ground for
12 relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Shroyer v. New Cingular Wireless*
13 *Servs., Inc.*, 622 F.3d 1035, 1041 (9th Cir. 2010). All well-pleaded allegations are presumed to
14 be true, with all reasonable inferences drawn in favor of the non-moving party. *In re Fitness*
15 *Holdings Int'l, Inc.*, 714 F.3d 1141, 1144-45 (9th Cir. 2013). Although a complaint need not
16 provide detailed factual allegations, it must give rise to something more than mere speculation
17 that plaintiff has a right to relief. *Twombly*, 550 U.S. at 555. The named defendants are identified
18 only in the list of parties, with no mention in the factual allegations or the statement of claims.
19 Defendants - and the Court - would have to guess what acts they are supposed to have committed
20 and how those acts relate to, much less establish, a violation of the Eight Amendment,
21 interference with life, liberty, or the pursuit of happiness, or domestic terrorism. At a bare
22 minimum, Rule 8(a) mandates that plaintiff "give the defendant fair notice of what the ... claim
23 is and the grounds upon which it rests." *Twombly*, 550 U.S. at 555 (quoting *Conley v. Gibson*,

1 355 U.S. 41, 47 (1957)). The complaint fails to serve this vital purpose.

2 To the extent plaintiff is asserting a claim under 42 U.S.C. § 1983 for violations of his
3 constitutional rights, he has not alleged state action on the part of the numerous individuals and
4 private corporations/associations named as defendants.
5

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7 For all of the foregoing reasons, the Court declines to issue a summons in this matter.
8 Plaintiff may have a viable claim against one or more of the named defendants, but, if so, it
9 cannot be discerned from the complaint and its attachments. Plaintiff is hereby ORDERED to
10 file on or before September 7, 2021, an amended complaint which clearly and concisely
11 identifies the acts of which each named defendant is accused and how those acts violated
12 plaintiff's legal rights. The key to filing an acceptable amended complaint will be providing
13 enough facts that each defendant has sufficient notice to mount a defense and from which one
14 could plausibly infer that plaintiff has a viable legal claim and a right to relief against each
15 defendant. The amended complaint will replace the existing complaint in its entirety. Failure to
16 timely file an amended complaint that asserts a plausible claim for relief will result in dismissal
17 of this action.
18
19

20 The Clerk of Court is directed to place this Order Requiring More Definite Statement on
21 the Court's calendar for consideration on Friday, September 10, 2021.
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23 Dated this 11th day of August, 2021.

24 

25 Robert S. Lasnik
26 United States District Judge
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